

**IC 31-37**

**ARTICLE 37. JUVENILE LAW: DELINQUENCY**

**IC 31-37-1**

**Chapter 1. Delinquent Children Who Commit Acts That Would Be Offenses if Committed by Adults**

**IC 31-37-1-1**

Sec. 1. A child is a delinquent child if, before becoming eighteen (18) years of age, the child commits a delinquent act described in this chapter.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-1-2**

Sec. 2. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child commits an act that would be an offense if committed by an adult, except an act committed by a person over which the juvenile court lacks jurisdiction under IC 31-30-1.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-2**

### **Chapter 2. Delinquent Children Who Commit Certain Other Acts and Who Need Care, Treatment, or Rehabilitation**

#### **IC 31-37-2-1**

Sec. 1. A child is a delinquent child if, before becoming eighteen (18) years of age, the child:

- (1) commits a delinquent act described in this chapter; and
- (2) needs care, treatment, or rehabilitation that:
  - (A) the child is not receiving;
  - (B) the child is unlikely to accept voluntarily; and
  - (C) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-2-2**

Sec. 2. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child leaves home:

- (1) without reasonable cause; and
- (2) without permission of the parent, guardian, or custodian, who requests the child's return.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-2-3**

Sec. 3. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child violates IC 20-8.1-3 concerning compulsory school attendance.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-2-4**

Sec. 4. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child habitually disobeys the reasonable and lawful commands of the child's parent, guardian, or custodian.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-2-5**

Sec. 5. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child commits a curfew violation under IC 31-37-3.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-2-6**

Sec. 6. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child violates IC 7.1-5-7 concerning minors and alcoholic beverages.

*As added by P.L.1-1997, SEC.20.*

### **IC 31-37-3**

#### **Chapter 3. Curfew Violations**

### **IC 31-37-3-1**

*(Repealed by P.L.79-2001, SEC.4.)*

### **IC 31-37-3-2**

Sec. 2. It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

- (1) between 1 a.m. and 5 a.m. on Saturday or Sunday;
- (2) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
- (3) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

*As added by P.L.1-1997, SEC.20.*

### **IC 31-37-3-3**

Sec. 3. It is a curfew violation for a child less than fifteen (15) years of age to be in a public place after 11 p.m. or before 5 a.m. on any day.

*As added by P.L.1-1997, SEC.20.*

### **IC 31-37-3-3.5**

Sec. 3.5. (a) It is a defense to a violation under this chapter that the child was emancipated:

- (1) under IC 31-37-19-27 or IC 31-6-4-15.7 (before its repeal);
- (2) by virtue of having married; or
- (3) in accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct.

(b) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

- (1) accompanied by the child's parent, guardian, or custodian;
- (2) accompanied by an adult specified by the child's parent, guardian, or custodian;
- (3) participating in, going to, or returning from:
  - (A) lawful employment;
  - (B) a school sanctioned activity;
  - (C) a religious event;
  - (D) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
  - (E) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or
  - (F) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or
- (4) engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

*As added by P.L.79-2001, SEC.2.*

**IC 31-37-3-4**

Sec. 4. Whenever a city, town, or county determines that any curfew time established by section 2 or 3 of this chapter is later than is reasonable for public safety under the conditions found to exist in the city, town, or county, the city, town, or county may, by ordinance, advance the curfew time within the jurisdiction of the city, town, or county by not more than two (2) hours.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-3-5**

Sec. 5. A city, town, or county may:

- (1) determine that a curfew time is necessary for the peace, order, and safety of a cemetery or other facility used to memorialize the dead; and
- (2) by ordinance impose upon cemeteries or other facilities to memorialize the dead within the jurisdiction of the city, town, or county legislative body a curfew time that is earlier than the curfew times established by sections 2 and 3 of this chapter by not more than four (4) hours.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-4****Chapter 4. Taking a Child Into Custody****IC 31-37-4-1**

Sec. 1. A child may be taken into custody by a law enforcement officer under an order of the court.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-4-2**

Sec. 2. A child may be taken into custody by a law enforcement officer acting with probable cause to believe that the child has committed a delinquent act.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-5**

### **Chapter 5. Child Taken Into Custody**

#### **IC 31-37-5-1**

Sec. 1. This chapter applies only to a child alleged to be a delinquent child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-5-2**

Sec. 2. If a child is taken into custody under an order of the court, the law enforcement officer shall take the child to a place designated in the order to await a detention hearing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-5-3**

Sec. 3. (a) If a child is not taken into custody under an order of the court, the law enforcement officer may release the child or may release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. Subject to subsection (c), the law enforcement officer may place the child in detention if the law enforcement officer reasonably believes that:

- (1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (2) the child has committed an act that would be murder or a Class A or Class B felony if committed by an adult;
- (3) detention is essential to protect the child or the community;
- (4) the parent, guardian, or custodian:
  - (A) cannot be located; or
  - (B) is unable or unwilling to take custody of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

(b) If a child is detained for a reason specified in subsection (a)(4) or (a)(5), the child shall be detained under IC 31-37-7-1.

(c) Unless a law enforcement officer determines that detention is essential to protect a child or the community, the law enforcement officer who detains a child for a violation of the curfew law under IC 31-37-3 shall make a good faith effort to release the child to the child's parent, guardian, or custodian within a reasonable time after the child is detained.

*As added by P.L.1-1997, SEC.20. Amended by P.L.79-2001, SEC.3.*

#### **IC 31-37-5-4**

Sec. 4. If the child is not released, the child shall be delivered to a place designated by the court. The law enforcement officer shall immediately notify the child's parent, guardian, or custodian and an intake officer of the following:

- (1) Where the child is being held.
- (2) The reasons for the child's detention.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-5-5**

Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention. The intake officer shall release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. However, the intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and that:

- (1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (2) the child has committed an act that would be murder or a Class A or Class B felony if committed by an adult;
- (3) detention is essential to protect the child or the community;
- (4) the parent, guardian, or custodian:
  - (A) cannot be located; or
  - (B) is unable or unwilling to take custody of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

(b) If a child is detained for a reason specified in subsection (a)(4) or (a)(5), the child shall be detained under IC 31-37-7-1.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-5-6**

Sec. 6. If a child taken into custody is not released, a detention hearing must be held in accordance with IC 31-37-6-2.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-5-7**

Sec. 7. (a) If a child is alleged to have committed an act that would be an offense under IC 9-30-5 if committed by an adult, a juvenile court shall recommend the immediate suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(b) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(c) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (b), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

- (1) Remove any record of the suspension from the bureau's record keeping system.
- (2) Reinstate the privileges without cost to the person.

(d) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the

juvenile court may grant the child probationary driving privileges for one hundred eighty (180) days in conformity with the procedures in IC 9-30-5-12. The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

(e) If a proceeding described in this section is terminated in favor of the child and the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult, the bureau shall remove any record of the suspension, including the reasons for the suspension, from the child's official driving record.

(f) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section.

*As added by P.L.32-2000, SEC.20.*



## **IC 31-37-6**

### **Chapter 6. Detention Hearing**

#### **IC 31-37-6-1**

Sec. 1. This chapter applies only to a child alleged to be a delinquent child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-6-2**

Sec. 2. If a child is not released, a detention hearing shall be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the child is taken into custody.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-6-3**

Sec. 3. Notice of the time, place, and purpose of a detention hearing shall be given to:

- (1) the child; and
- (2) the child's parent, guardian, or custodian if the person can be located.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-6-4**

Sec. 4. If a detention hearing is not held before the time specified by section 2 of this chapter, the child shall be released.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-6-5**

Sec. 5. The juvenile court:

- (1) shall inform the child and the child's parent, guardian, or custodian of the child's right to counsel and to refrain from testifying against himself or herself; and
- (2) may appoint counsel under IC 31-32-4.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-6-6**

Sec. 6. (a) The juvenile court shall release the child on the child's own recognizance or to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the court at a time specified. However, the court may order the child detained if the court finds probable cause to believe the child is a delinquent child and that:

- (1) the child is unlikely to appear for subsequent proceedings;
- (2) detention is essential to protect the child or the community;
- (3) the parent, guardian, or custodian:
  - (A) cannot be located; or
  - (B) is unable or unwilling to take custody of the child;
- (4) return of the child to the child's home is or would be:
  - (A) contrary to the best interests and welfare of the child; and
  - (B) harmful to the safety or health of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

However, the findings under this subsection are not required if the child is ordered to be detained in the home of the child's parent, guardian, or custodian or is released subject to any condition listed in subsection (d).

(b) If a child is detained for a reason specified in subsection (a)(3), (a)(4), or (a)(5), the child shall be detained under IC 31-37-7-1.

(c) If a child is detained for a reason specified in subsection (a)(4), the court shall make written findings and conclusions that include the following:

(1) The factual basis for the finding specified in subsection (a)(4).

(2) A description of the family services available and efforts made to provide family services before removal of the child.

(3) The reasons why effort made to provide family services did not prevent removal of the child.

(4) Whether efforts made to prevent removal of the child were reasonable.

(d) Whenever the court releases a child under this section, the court may impose conditions upon the child, including:

(1) home detention;

(2) electronic monitoring;

(3) a curfew restriction;

(4) a protective order;

(5) a no contact order;

(6) an order to comply with Indiana law; or

(7) an order placing any other reasonable conditions on the child's actions or behavior.

*As added by P.L.1-1997, SEC.20. Amended by P.L.188-1999, SEC.2; P.L.217-2001, SEC.13.*

#### **IC 31-37-6-7**

Sec. 7. Upon the juvenile court's own motion or upon the motion of the person representing the interests of the state, a child who has been released may be ordered to appear for an additional detention hearing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-6-8**

Sec. 8. A child detained under section 6 or 7 of this chapter may petition the juvenile court for an additional detention hearing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-6-9**

Sec. 9. A child may not be released on bail except as provided by IC 31-30-3.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-6-10**

Sec. 10. The juvenile court may require a child to surrender the child's driver's license as a condition of release to ensure the child's appearance at subsequent proceedings.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-7**

### **Chapter 7. Detention of Alleged Delinquent Child**

#### **IC 31-37-7-1**

Sec. 1. A child alleged to be a delinquent child under IC 31-37-2, except as provided in section 3 of this chapter, may not be held in:

- (1) a secure facility; or
- (2) a shelter care facility that houses persons charged with, imprisoned for, or incarcerated for crimes.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-7-2**

Sec. 2. A child alleged to be a delinquent child under IC 31-37-1 may be held in either of the following:

- (1) A secure facility for not more than six (6) hours upon arrest for the limited purposes of:
  - (A) identification;
  - (B) processing;
  - (C) interrogation;
  - (D) transfer to a juvenile detention facility; or
  - (E) release to parents.
- (2) A juvenile detention facility.

If the child is detained in a secure facility, the child shall be restricted to an area of the facility in which the child has not more than haphazard or incidental sight or sound contact with persons charged with, imprisoned for, or incarcerated for crimes.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-7-3**

Sec. 3. A child alleged to be a delinquent child because of an act under IC 31-37-2-2 may be held in a juvenile detention facility for not more than twenty-four (24) hours, not including Saturdays, Sundays, and nonjudicial days.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-7-4**

Sec. 4. A court may not place a child in:

- (1) a community based correctional facility for children;
- (2) a juvenile detention facility;
- (3) a secure facility;
- (4) a secure private facility; or
- (5) a shelter care facility;

that is located outside the child's county of residence unless placement of the child in a comparable facility with adequate services located in the child's county of residence is unavailable or the child's county of residence does not have an appropriate comparable facility with adequate services.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-8**

### **Chapter 8. Information About Delinquent Children, Investigation, and Preliminary Inquiry**

#### **IC 31-37-8-1**

Sec. 1. (a) A person may give an intake officer or a prosecuting attorney written information indicating that a child is a delinquent child.

(b) If the information is given to the intake officer, the intake officer shall immediately forward the information to the prosecuting attorney.

(c) If the prosecuting attorney has reason to believe the child has committed a delinquent act, the prosecuting attorney shall instruct the intake officer to make a preliminary inquiry to determine whether the interests of the public or of the child require further action.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-8-2**

Sec. 2. A preliminary inquiry is an informal investigation into the facts and circumstances reported to the court. Whenever practicable, the preliminary inquiry should include information on the child's:

- (1) background;
- (2) current status; and
- (3) school performance.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-8-3**

Sec. 3. If a parent, guardian, or custodian of a child seeks information concerning a preliminary inquiry, the person shall be notified:

- (1) whether a preliminary inquiry is being made; and
- (2) if so, the nature of the inquiry.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-8-4**

Sec. 4. If a child interview occurs, the intake officer shall advise the child and the child's parent, guardian, or custodian of the following:

- (1) The nature of the allegations against the child.
- (2) That the intake officer is conducting a preliminary inquiry to assist the prosecuting attorney in determining whether a petition should be filed alleging that the child is a delinquent child.
- (3) That the intake officer will recommend whether to:
  - (A) file a petition;
  - (B) informally adjust the case;
  - (C) refer the child to another agency; or
  - (D) dismiss the case.
- (4) That the child has a right to remain silent.
- (5) That anything the child says may be used against the child in subsequent judicial proceedings.
- (6) That the child has a right to consult with an attorney before the child talks with the intake officer.
- (7) That the child has a right to stop at any time and consult with

an attorney.

(8) That the child has a right to stop talking with the intake officer at any time.

(9) That if the child cannot afford an attorney, the court will appoint an attorney for the child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-8-5**

Sec. 5. (a) The intake officer shall do the following:

(1) Send the prosecuting attorney a copy of the preliminary inquiry if the case involves an allegation that the child committed an act that would be a crime if committed by an adult.

(2) Send to:

(A) the prosecuting attorney; or

(B) the attorney for the county office of family and children; a copy of the preliminary inquiry if the case involves an allegation that the child committed a delinquent act that would not be a crime if committed by an adult.

(3) Recommend whether to:

(A) file a petition;

(B) informally adjust the case;

(C) refer the child to another agency; or

(D) dismiss the case.

(b) The prosecuting attorney and the court may agree to alter the procedure described in subsection (a).

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-8-6**

Sec. 6. The person who represents the interests of the state and who receives the preliminary inquiry and recommendations shall decide whether to file a petition. This decision is final only for the office of the person making the decision.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-9****Chapter 9. Program of Informal Adjustment****IC 31-37-9-1**

Sec. 1. After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a delinquent child.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-9-2**

Sec. 2. The child and the child's parent, guardian, custodian, or attorney must consent to the program of informal adjustment.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-9-3**

Sec. 3. If:

- (1) the child is an alleged delinquent child; and
- (2) the child's parent, guardian, or custodian fails to participate in the program of informal adjustment;

the probation department or the county office of family and children may file a petition for compliance.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-9-4**

Sec. 4. (a) Upon the filing of a petition for compliance and after notice and a hearing on the petition for compliance, the juvenile court may order the parent, guardian, or custodian of a child to participate in a program of informal adjustment approved by the court under section 1 of this chapter.

(b) A parent, guardian, or custodian who fails to participate in a program of informal adjustment ordered by the court may be found in contempt of court.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-9-5**

*(Repealed by P.L.197-1997, SEC.29.)*

**IC 31-37-9-6**

*(Repealed by P.L.197-1997, SEC.29.)*

**IC 31-37-9-7**

Sec. 7. A program of informal adjustment may not exceed six (6) months, except by approval of the juvenile court. The juvenile court may extend a program of informal adjustment an additional six (6) months.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-9-8**

*(Repealed by P.L.197-1997, SEC.29.)*

**IC 31-37-9-9**

Sec. 9. The juvenile court may order each child who participates in a program of informal adjustment or the child's parents to pay an informal adjustment program fee of:

- (1) at least five dollars (\$5); but
- (2) not more than fifteen dollars (\$15);

for each month that the child participates in the program instead of the court cost fees prescribed by IC 33-19-5-3.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-9-10**

Sec. 10. (a) The probation department for the juvenile court shall do the following:

- (1) Collect the informal adjustment program fee set under section 9 of this chapter; and
- (2) Transfer the collected informal adjustment program fees to the county auditor not later than thirty (30) days after the fees are collected.

(b) The county auditor shall deposit the fees in the county user fee fund established by IC 33-19-8-5.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-10**

### **Chapter 10. Filing of Petition Alleging That Child Is Delinquent Child**

#### **IC 31-37-10-1**

Sec. 1. (a) The prosecuting attorney may file a petition alleging that a child is a delinquent child.

(b) The attorney for the county office of family and children may file a petition alleging that a child is a delinquent child under IC 31-37-2.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-2**

Sec. 2. The juvenile court shall do the following:

(1) Consider the preliminary inquiry and the evidence of probable cause.

(2) Approve the filing of a petition if there is probable cause to believe that:

(A) the child is a delinquent child; and

(B) it is in the best interests of the child or the public that the petition be filed.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-3**

Sec. 3. A petition must:

(1) be verified;

(2) be entitled "In the Matter of \_\_\_\_\_, a Child Alleged to be a Delinquent Child"; and

(3) contain the following information:

(A) A citation to the provision of the juvenile law that gives the juvenile court jurisdiction in the proceeding.

(B) A citation to the statute that the child is alleged to have violated.

(C) A concise statement of the facts upon which the allegations are based, including the date and location at which the alleged act occurred.

(D) The child's name, birth date, and residence address if known.

(E) The name and residence address of the child's parent, guardian, or custodian if known.

(F) The name and title of the person signing the petition.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-4**

Sec. 4. Error in a citation or the omission of a citation is ground for:

(1) dismissal of the petition; or

(2) reversal of the adjudication;

only if the error or omission misleads the child to the child's prejudice.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-5**



Sec. 5. (a) If the filing of a petition is approved by the court under section 2 of this chapter, the person filing may request in writing that the child be taken into custody. The person must support this request with sworn testimony or affidavit.

(b) The court may grant the request if the court makes written findings of fact upon the record that a ground for detention exists under IC 31-37-6-6.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-6**

Sec. 6. If the juvenile court grants the request to have the child taken into custody, the court shall proceed in accordance with IC 31-37-6.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-7**

Sec. 7. The:

- (1) child;
- (2) child's parent, guardian, or custodian; and
- (3) prosecuting attorney;

are parties to the proceedings described in the juvenile law and have all rights of parties provided under the Indiana Rules of Trial Procedure.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-10-8**

Sec. 8. Upon motion by the person representing the interests of the state, the juvenile court shall dismiss any petition the person has filed.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-11**

### **Chapter 11. Time Limits for Petitions; Motions for Continuance**

#### **IC 31-37-11-1**

Sec. 1. If a child is in detention, a petition alleging delinquency must be filed not later than seven (7) days, excluding Saturdays, Sundays, and legal holidays, after the child is taken into custody.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-11-2**

Sec. 2. (a) If:

- (1) a child is in detention; and
- (2) a petition has been filed;

a fact-finding hearing or a waiver hearing must be commenced not later than twenty (20) days, excluding Saturdays, Sundays, and legal holidays, after the petition is filed.

(b) If:

- (1) a child is not in detention; and
- (2) a petition has been filed;

the hearing must be commenced not later than sixty (60) days, excluding Saturdays, Sundays, and legal holidays, after the petition is filed.

(c) A child who is ordered detained in the home of the child's parent, guardian, or custodian or who is subject to other conditions of release under IC 31-37-6-6 may not be considered as being detained for purposes of this section.

*As added by P.L.1-1997, SEC.20. Amended by P.L.188-1999, SEC.3.*

#### **IC 31-37-11-3**

Sec. 3. If waiver is denied, the factfinding hearing must be commenced not later than ten (10) days, excluding Saturdays, Sundays, and legal holidays, after the denial.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-11-4**

Sec. 4. If waiver is granted, the computation of time under Criminal Rule 4 commences on the date of the waiver order.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-11-5**

Sec. 5. A child may not be required to answer a petition alleging that the child is a delinquent child for more than one (1) year in aggregate.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-11-6**

Sec. 6. Times specified in sections 2 and 3 of this chapter shall be computed excluding delays resulting from any of the following:

- (1) Continuances granted on the child's motion.
- (2) The actions of the child.
- (3) Congestion of the court calendar if the prosecuting attorney moves for a continuance not later than three (3) days before the

hearing, except that a motion may be filed less than three (3) days before the hearing if the prosecuting attorney shows that the delay was not the fault of the state.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-11-7**

Sec. 7. If:

- (1) a child is in detention; and
- (2) the times in sections 1, 2, and 3 of this chapter are not followed;

the child shall be released on the child's own recognizance or to the child's parents, guardian, or custodian.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-11-8**

Sec. 8. (a) If a child moves for discharge, the prosecuting attorney may move for a continuance of the factfinding hearing or waiver hearing because of the absence of a witness if the prosecuting attorney makes an official statement:

- (1) setting forth the name and address of the witness if known;
- (2) indicating the probability of procuring the witness's testimony within a reasonable time;
- (3) showing that the absence of the witness has not been procured by the act of the prosecuting attorney;
- (4) stating the facts to which the prosecuting attorney believes the witness will testify and the prosecuting attorney's belief that the facts are true; and
- (5) stating that the prosecuting attorney is unable to prove the facts specified under subdivision (4) through the use of any other witness whose testimony may be as readily procured.

(b) Upon the child's request, the court shall order that the prosecuting attorney's motion and official statement be made in writing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-11-9**

Sec. 9. (a) Upon a motion for a continuance under section 8 of this chapter, the court may continue the factfinding hearing or the waiver hearing for not more than ninety (90) days. However, the hearing may not be continued if, after the prosecuting attorney moves for the continuance as the result of:

- (1) a witness's absence, the child admits that the absent witness would testify to the facts alleged in the prosecuting attorney's official statement; or
- (2) the unavailability of written or documentary evidence, the child admits that the written or documentary evidence exists.

(b) If the hearing is not commenced within the ninety (90) day period required by this section, the court shall discharge the child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-11-10**

Sec. 10. (a) Except as provided in subsection (b), if:

(1) a continuance is granted on a child's motion; or  
(2) the proceedings are delayed by a child's act;  
a time period is extended by the amount of the resulting delay.

(b) If a child causes a delay during the last thirty (30) days of a time period, the state may petition the court for an additional thirty (30) day extension.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-12**

### **Chapter 12. Initial Hearing and Issuance of Summons**

#### **IC 31-37-12-1**

Sec. 1. This chapter applies only to a child alleged to be a delinquent child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-2**

Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

- (1) The child.
- (2) The child's parent, guardian, custodian, or guardian ad litem.
- (3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-3**

Sec. 3. (a) Before complying with the other requirements of this section, the juvenile court shall first determine whether counsel has been:

- (1) waived under IC 31-32-5; or
- (2) previously obtained.

(b) If counsel has not been waived or previously obtained, the juvenile court shall appoint counsel under IC 31-32-4.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-4**

Sec. 4. The court shall next determine whether the prosecuting attorney intends to seek a waiver of jurisdiction under IC 31-30-3. If a waiver is sought, the court:

- (1) may not accept an admission or a denial of the allegations from the child under section 9 of this chapter; and
- (2) shall do the following:
  - (A) Schedule a waiver hearing.
  - (B) Advise the child according to section 5 of this chapter.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-5**

Sec. 5. The juvenile court shall inform the child and the child's parent, guardian, or custodian, if the person is present, of the following:

- (1) The nature of the allegations against the child.
- (2) The child's right to the following:
  - (A) Be represented by counsel.
  - (B) Have a speedy trial.
  - (C) Confront witnesses against the child.
  - (D) Cross-examine witnesses against the child.

- (E) Obtain witnesses or tangible evidence by compulsory process.
- (F) Introduce evidence on the child's own behalf.
- (G) Refrain from testifying against himself or herself.
- (H) Have the state prove beyond a reasonable doubt that the child committed the delinquent act charged.
- (3) The possibility of waiver to a court having criminal jurisdiction.
- (4) The dispositional alternatives available to the juvenile court if the child is adjudicated a delinquent child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-6**

Sec. 6. The juvenile court shall inform the parent or guardian of the estate of the following if a child is adjudicated a delinquent child:

- (1) The parent, guardian, or custodian of the child may be required to participate in a program of care, treatment, or rehabilitation for the child.
- (2) The parent or guardian may be held financially responsible for services provided for the child or the parent or guardian.
- (3) The parent, guardian, or custodian of the child may controvert:
  - (A) an allegation made at the dispositional or other hearing concerning the participation of the parent, guardian, or custodian; or
  - (B) an allegation concerning the financial responsibility of the parent, guardian, or custodian for services that would be provided.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-7**

Sec. 7. (a) If:

- (1) the prosecuting attorney has not requested that the juvenile court waive the court's jurisdiction; or
- (2) a waiver has been requested and denied;

the juvenile court shall determine whether a child admits or denies the allegations of a petition.

(b) A failure to respond constitutes a denial.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-8**

Sec. 8. If a child admits the allegations of a petition, the juvenile court shall do the following:

- (1) Enter judgment accordingly.
- (2) Schedule a dispositional hearing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-9**

Sec. 9. (a) If a child has admitted the allegations of a petition, the juvenile court may hold the dispositional hearing immediately after the initial hearing.

(b) If a child denies the allegations, the juvenile court may hold the

factfinding hearing immediately after the initial hearing.

(c) Except as provided in section 10 of this chapter:

- (1) the child;
- (2) the child's:
  - (A) counsel;
  - (B) guardian ad litem;
  - (C) parent;
  - (D) guardian; or
  - (E) custodian; and
- (3) the person representing the interests of the state;

must consent to the timing of the hearing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-12-10**

Sec. 10. If a child is emancipated:

- (1) under IC 31-37-19-27;
- (2) by virtue of having married; or
- (3) in accordance with the laws of another state or jurisdiction;

it is only necessary for the child to consent to the factfinding hearing or the dispositional hearing described in section 9 of this chapter.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-13**

### **Chapter 13. Factfinding Hearing**

#### **IC 31-37-13-1**

Sec. 1. Unless the allegations of a petition have been admitted, the juvenile court shall hold a factfinding hearing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-13-2**

Sec. 2. If the court finds that a child is a delinquent child, the court shall do the following:

- (1) Enter judgment accordingly.
- (2) Order a predisposition report.
- (3) Schedule a dispositional hearing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-13-3**

Sec. 3. If the court finds that a child is not a delinquent child, the court shall discharge the child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-13-4**

Sec. 4. (a) Except as provided in subsection (b), at the close of all the evidence and before judgment is entered, the court may continue the case for not more than twelve (12) months.

(b) If the child or the child's parent, guardian, or custodian requests that judgment be entered, the judgment shall be entered not later than thirty (30) days after the request is made.

(c) If the child is in a juvenile detention facility, the child shall be released not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, pending the entry of judgment. A child released from a juvenile detention facility pending the entry of judgment may be detained in a shelter care facility.

*As added by P.L.1-1997, SEC.20. Amended by P.L.35-1998, SEC.26.*

#### **IC 31-37-13-5**

Sec. 5. If a finding of delinquency is based on a delinquent act that would be a felony if committed by an adult, the juvenile court shall state in the findings the following:

- (1) The specific statute that was violated.
- (2) The class of the felony had the violation been committed by an adult.

*As added by P.L.1-1997, SEC.20.*



**IC 31-37-14****Chapter 14. Findings, Presumptions, and Evidence****IC 31-37-14-1**

Sec. 1. A finding by a juvenile court that a child committed a delinquent act, or that an adult committed a crime, must be based upon proof beyond a reasonable doubt.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-14-2**

Sec. 2. A finding in a proceeding to terminate parental rights must be based upon clear and convincing evidence.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-14-3**

Sec. 3. A finding not covered by section 1 or 2 of this chapter must be based upon a preponderance of the evidence.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-15**

### **Chapter 15. Petition for Parental Participation**

#### **IC 31-37-15-1**

Sec. 1. Any of the following may sign and file a petition for the juvenile court to require the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child:

- (1) The prosecuting attorney.
- (2) The attorney for the county office of family and children.
- (3) A probation officer.
- (4) A caseworker.
- (5) The department of correction.
- (6) The guardian ad litem or court appointed special advocate.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-15-2**

Sec. 2. A petition filed under section 1 of this chapter must be verified.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-15-3**

Sec. 3. A petition seeking participation of a parent, guardian, or custodian must be entitled "In the Matter of the Participation of \_\_\_\_\_ the Parent, Guardian, or Custodian of \_\_\_\_\_". The petition must allege the following:

- (1) That the respondent is the child's parent, guardian, or custodian.
- (2) That the child has been adjudicated a delinquent child.
- (3) That the parent, guardian, or custodian should:
  - (A) obtain assistance in fulfilling obligations as a parent, guardian, or custodian;
  - (B) provide specified care, treatment, or supervision for the child;
  - (C) work with a person providing care, treatment, or rehabilitation for the child; or
  - (D) refrain from direct or indirect contact with the child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-15-4**

Sec. 4. (a) The court may hold a hearing on a petition concurrently with any dispositional hearing or with any hearing to modify a dispositional decree.

(b) If the order concerns participation of a parent, the juvenile court shall advise the parent that failure to participate as required by an order issued under IC 31-37-19-24 (or IC 31-6-4-15.8 before its repeal) can lead to the termination of the parent-child relationship under IC 31-35.

(c) If the court finds that the allegations under section 3 of this chapter are true, the court shall enter a decree.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-16**

### **Chapter 16. Protective Orders**

#### **IC 31-37-16-1**

Sec. 1. Any of the following may sign and file a petition for the juvenile court to require a person to refrain from direct or indirect contact with the child:

- (1) The prosecuting attorney.
- (2) The attorney for the county office of family and children.
- (3) A probation officer.
- (4) A caseworker.
- (5) The department of correction.
- (6) The guardian ad litem or court appointed special advocate.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-16-2**

Sec. 2. A petition filed under section 1 of this chapter must be verified.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-16-3**

Sec. 3. A petition seeking to refrain a person from contact with a child must be entitled "In the Matter of a Protective Order for \_\_\_\_\_". The petition must allege the following:

- (1) That the respondent is likely to have direct or indirect contact with the child in the absence of an order under this chapter.
- (2) That the child has been adjudicated a delinquent child.
- (3) That the best interests of the child will be served if the person refrains from direct or indirect contact with the child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-16-4**

Sec. 4. (a) The court may hold a hearing on a petition concurrently with a dispositional hearing or with a hearing to modify a dispositional decree.

(b) If the court finds that the allegations under section 3 of this chapter are true, the court shall enter a decree.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-16-5**

Sec. 5. If a court enters a decree that requires a person to refrain from direct or indirect contact with a child, the clerk of the court shall comply with IC 5-2-9.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-17**

### **Chapter 17. Predispositional Report**

#### **IC 31-37-17-1**

Sec. 1. (a) Upon finding that a child is a delinquent child, the juvenile court shall order a probation officer or a caseworker to prepare a predispositional report that contains a:

- (1) statement of the needs of the child for care, treatment, rehabilitation, or placement; and
- (2) recommendation for the care, treatment, rehabilitation, or placement of the child.

(b) Any of the following may prepare an alternative report for consideration by the court:

- (1) The child.
- (2) The child's:
  - (A) parent;
  - (B) guardian;
  - (C) guardian ad litem;
  - (D) court appointed special advocate; or
  - (E) custodian.

*As added by P.L.1-1997, SEC.20. Amended by P.L.55-1997, SEC.25.*

#### **IC 31-37-17-1.1**

Sec. 1.1. (a) The person preparing the report under section 1 of this chapter:

- (1) may; or
- (2) if directed by the court, shall;

confer with individuals who have expertise in professional areas related to the child's needs in the areas of appropriate care, treatment, rehabilitation, or placement for a delinquent child.

(b) A conference held under this chapter may include representatives of the following:

- (1) The child's school.
- (2) The probation department.
- (3) The county office of family and children.
- (4) A community mental health center located in the child's county of residence.
- (5) A community mental retardation and other developmental disabilities center located in the child's county of residence.
- (6) Other persons as the court may direct.

*As added by P.L.55-1997, SEC.26. Amended by P.L.253-1997(ss), SEC.28.5.*

#### **IC 31-37-17-1.2**

Sec. 1.2. If a delinquent child is known to be eligible for special education services or placement under IC 20-1-6 and 511 IAC 7, the conference described in section 1.1 of this chapter must include a representative from the child's school.

*As added by P.L.55-1997, SEC.27.*

#### **IC 31-37-17-1.3**

Sec. 1.3. (a) The individuals participating in a meeting described in section 1.1 of this chapter shall assist the person preparing the report in recommending the care, treatment, rehabilitation, or placement of the child.

(b) The individuals shall inform the person preparing the report of resources and programs that are available for the child.

(c) The probation officer or caseworker shall collect, maintain, and complete financial eligibility forms designated by the director to assist in obtaining federal reimbursement and other reimbursement.

*As added by P.L.55-1997, SEC.28. Amended by P.L.273-1999, SEC.108.*

#### **IC 31-37-17-2**

Sec. 2. (a) In addition to providing the court with a recommendation for the care, treatment, or rehabilitation of the child, the person preparing the report shall consider the necessity, nature, and extent of the participation by a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child.

(b) If a probation officer or caseworker believes that an out-of-home placement would be appropriate for a delinquent child, the probation officer or caseworker shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.  
*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-17-3**

Sec. 3. The probation officer or caseworker shall collect information and prepare a financial report, in the form prescribed by the division, on the parent or the estate of the child to assist the juvenile court and the county office in:

- (1) determining the person's financial responsibility; and
- (2) obtaining federal reimbursement;

for services provided for the child or the person.

*As added by P.L.1-1997, SEC.20. Amended by P.L.273-1999, SEC.109.*

#### **IC 31-37-17-4**

Sec. 4. If consistent with the safety and best interest of the child and the community, the person preparing the report shall recommend care, treatment, rehabilitation, or placement that:

(1) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best interest and special needs of the child;

(2) least interferes with family autonomy;

(3) is least disruptive of family life;

(4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and

(5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

*As added by P.L.1-1997, SEC.20. Amended by P.L.55-1997, SEC.29.*

**IC 31-37-17-5**

Sec. 5. The juvenile court may do the following:

- (1) Authorize an examination of the child under IC 31-32-12.
- (2) Make provision for similar examination of the parent, guardian, or custodian if the person gives consent.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-17-6**

Sec. 6. (a) Predispositional reports shall be made available within a reasonable time before the dispositional hearing, unless the juvenile court determines on the record that the reports contain information that should not be released to the child or the child's parent, guardian, or custodian.

(b) The court shall provide a copy of the report to:

- (1) each attorney, guardian ad litem, or court appointed special advocate representing the child; and
- (2) each attorney representing the child's parent, guardian, or custodian.

(c) The court may provide a factual summary of the report to:

- (1) the child; or
- (2) the child's parent, guardian, or custodian.

*As added by P.L.1-1997, SEC.20. Amended by P.L.197-1997, SEC.28.*

**IC 31-37-17-6.1**

Sec. 6.1. The predispositional report prepared by a probation officer or caseworker shall include the following information:

- (1) A description of all dispositional options considered in preparing the report.
- (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation or placement recommended under the guidelines described in section 4 of this chapter.
- (3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

*As added by P.L.55-1997, SEC.30.*

**IC 31-37-17-7**

Sec. 7. (a) This section shall not be construed to limit victim's rights granted by IC 35-40 or any other law.

(b) In the case of a child who commits a delinquent act that would be a sex offense (as defined in IC 11-13-6-5.5(b)) if the child were an adult, the person preparing the predispositional report under section 1 of this chapter shall, before the predispositional report is prepared, notify each victim (as defined in IC 11-13-6-5.5) in the proceeding of the victim's rights under IC 11-13-6-5.5 and the procedures related to the exercises of those rights.

*As added by P.L.77-2001, SEC.2.*

## **IC 31-37-18**

### **Chapter 18. Dispositional Hearing**

#### **IC 31-37-18-1**

Sec. 1. The juvenile court shall hold a dispositional hearing to consider the following:

- (1) Alternatives for the care, treatment, rehabilitation, or placement of the child.
- (2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.
- (3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.

*As added by P.L.1-1997, SEC.20. Amended by P.L.55-1997, SEC.31.*

#### **IC 31-37-18-1.1**

Sec. 1.1. At a dispositional hearing under this chapter, the person that prepared the predispositional report:

- (1) must be present; and
- (2) must present testimony when requested to explain how the individuals participating in the conference described in IC 31-37-17:

- (A) examined the available options; and
- (B) recommended the options that most closely coincide with the guidelines provided in IC 31-37-17-4.

*As added by P.L.55-1997, SEC.32.*

#### **IC 31-37-18-2**

Sec. 2. (a) Any predispositional report may be admitted into evidence to the extent that the report contains evidence of probative value even if the report would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

- (1) child;
- (2) child's parent, guardian, or custodian; and
- (3) person representing the interests of the state;

shall be given a fair opportunity to controvert any part of the report admitted into evidence.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-18-3**

Sec. 3. If it appears to the juvenile court that a child is mentally ill, the court may:

- (1) refer the matter to the court having probate jurisdiction for civil commitment proceedings under IC 12-26; or
- (2) initiate a civil commitment proceeding under IC 12-26.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-18-4**



Sec. 4. If:

- (1) a child is referred to a probate court;
- (2) the juvenile court initiates a commitment proceeding; or
- (3) the court transfers a commitment proceeding under IC 12-26-1-4;

the juvenile court shall discharge the child or continue the court's proceedings under the juvenile law. However, if the child is under the custody or supervision of a county office of family and children, the juvenile court may not release the county office from the obligations of the county office to the child pending the outcome of the proceeding under IC 12-26.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-18-5**

Sec. 5. If the court authorizes a child who is under the custody or supervision of a county office of family and children to be placed in a state institution (as defined in IC 12-7-2-184) for voluntary treatment in accordance with IC 12-26-3, the court may not release the county office from obligations of the county office to the child until a parent, guardian, or other responsible person approved by the court assumes the obligations.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-18-6**

Sec. 6. If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

- (1) is:
  - (A) in the least restrictive (most family like) and most appropriate setting available; and
  - (B) close to the parents' home, consistent with the best interest and special needs of the child;
- (2) least interferes with family autonomy;
- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

*As added by P.L.1-1997, SEC.20. Amended by P.L.55-1997, SEC.33.*

#### **IC 31-37-18-7**

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Sec. 7. The juvenile court shall send a copy of the dispositional report described in section 10 of this chapter to each person who receives placement or wardship of the child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-18-8**

IC 31-37-18-8 Sec. 8. The juvenile court shall advise the child and the

child's parent, guardian, or custodian of the procedures under IC 31-37-22.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-18-9**

Sec. 9. The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) The court's reasons for the disposition.

*As added by P.L.1-1997, SEC.20. Amended by P.L.55-1997, SEC.34.*

## **IC 31-37-19**

### **Chapter 19. Dispositional Decrees**

#### **IC 31-37-19-1**

Sec. 1. If a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department or the county office of family and children.
- (2) Order the child to receive outpatient treatment:
  - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
  - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. Wardship under this subdivision does not include the right to consent to the child's adoption.
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order:
  - (A) the child; or
  - (B) the child's parent, guardian, or custodian;to receive family services.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-2**

Sec. 2. If a court enters a dispositional decree under section 1(7) of this chapter:

- (1) the clerk of the court that enters a dispositional decree under section 1(7) of this chapter shall comply with IC 5-2-9; and
- (2) the petitioner shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-3**

Sec. 3. A court may not place a child who is a delinquent child under IC 31-37-2 in a shelter care facility that is located outside the child's county of residence unless:

- (1) placement of the child in a shelter care facility with adequate services located in the child's county of residence is unavailable; or
- (2) the child's county of residence does not have an appropriate shelter care facility with adequate services.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-4**

Sec. 4. (a) This section applies if a child:

- (1) is a delinquent child under IC 31-37-2 due to the commission of a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal); and
- (2) has been previously determined to be a delinquent child under IC 31-37-2 (or IC 31-6-4-1(b)(2) before its repeal) due to the commission of a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal).

(b) The juvenile court shall, in addition to any other order or decree the juvenile court makes under this chapter, order the bureau of motor vehicles to invalidate the child's driver's license or permit for a period specified by the court that is not less than ninety (90) days but not more than one (1) year.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-5**

Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

- (1) Order supervision of the child by:
  - (A) the probation department; or
  - (B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall after a determination under IC 5-2-12-4 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 5-2-12-4 if committed by an adult to register with a local law enforcement authority under IC 5-2-12.

- (2) Order the child to receive outpatient treatment:
  - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
  - (B) from an individual practitioner.
- (3) Order the child to surrender the child's driver's license to the court for a specified period of time.
- (4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.
- (7) Order the child to perform community restitution or service for a specified period of time.
- (8) Order wardship of the child as provided in section 9 of this chapter.

*As added by P.L.1-1997, SEC.20. Amended by P.L.32-2000, SEC.21; P.L.238-2001, SEC.16.*

#### **IC 31-37-19-6**

IC 31-37-19-6 Sec. 6. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) Except as provided in section 10 of this chapter, the juvenile court may:

(1) enter any dispositional decree specified in section 5 of this chapter; and

(2) take any of the following actions:

(A) Award wardship to:

(i) the department of correction for housing in a correctional facility for children; or

(ii) a community based correctional facility for children.

Wardship under this subdivision does not include the right to consent to the child's adoption.

(B) If the child is less than seventeen (17) years of age, order confinement in a juvenile detention facility for not more than the lesser of:

(i) ninety (90) days; or

(ii) the maximum term of imprisonment that could have been imposed on the child if the child had been convicted as an adult offender for the act that the child committed under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).

(C) If the child is at least seventeen (17) years of age, order confinement in a juvenile detention facility for not more than the lesser of:

(i) one hundred twenty (120) days; or

(ii) the maximum term of imprisonment that could have been imposed on the child if the child had been convicted as an adult offender for the act that the child committed under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).

(D) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(E) Award wardship to a person or shelter care facility. Wardship under this subdivision does not include the right to consent to the child's adoption.

(F) Place the child in a secure private facility for children licensed under the laws of a state. Placement under this subdivision includes authorization to control and discipline the child.

(G) Order a person who is a respondent in a proceeding under IC 31-37-16 to refrain from direct or indirect contact with the child.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-7**

Sec. 7. (a) With respect to a wardship awarded under section 6(b)(2)(A) of this chapter, a child may not be awarded to the department of correction, if the child:

(1) except as provided by subsection (b), is:

(A) less than twelve (12) years of age; or

- (B) at least eighteen (18) years of age;  
at the time of the dispositional decree; or
- (2) was determined to be a delinquent child because the child violated IC 7.1-5-7.

(b) A wardship may be awarded to the department of correction if the child:

- (1) is ten (10) or eleven (11) years of age; and
- (2) is found to have committed an act that would have been murder if committed by an adult.

(c) The department of correction may not confine a delinquent child, except as provided in IC 11-10-2-10, at:

- (1) an adult correctional facility; or
- (2) a shelter care facility;

that houses persons charged with, imprisoned for, or incarcerated for crimes unless the child is restricted to an area of the facility where the child may have not more than haphazard or incidental sight or sound contact with persons charged with, imprisoned for, or incarcerated for crimes.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-8**

Sec. 8. (a) Confinement under section 6(b)(2)(B) of this chapter may be continuous or intermittent, including confinement at night or on weekends.

(b) A child may not be sent to a juvenile detention facility that fails to meet standards established by law.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-9**

Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under IC 5-2-12-4, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

- (1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and
- (2) committed an act that, if committed by an adult, would be:
  - (A) murder (IC 35-42-1-1);
  - (B) kidnapping (IC 35-42-3-2);
  - (C) rape (IC 35-42-4-1);
  - (D) criminal deviate conduct (IC 35-42-4-2); or
  - (E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

*As added by P.L.1-1997, SEC.20. Amended by P.L.238-2001, SEC.17.*

**IC 31-37-19-10**

Sec. 10. (a) This section applies to a child who:

(1) is adjudicated a delinquent child for an act that if committed by an adult would be:

(A) a felony against a person;

(B) a Class A or Class B felony that is a controlled substances offense under IC 35-48-4-1 through IC 35-48-4-5; or

(C) burglary as a Class A or Class B felony under IC 35-43-2-1;

(2) is at least fourteen (14) years of age at the time the child committed the act for which the child is being placed; and

(3) has two (2) unrelated prior adjudications of delinquency for acts that would be felonies if committed by an adult.

(b) A court may place the child in a facility authorized under this chapter for not more than two (2) years.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(n) before its repeal).

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-19-11**

Sec. 11. If a child:

(1) is adjudicated a delinquent child for a delinquent act; and

(2) becomes a ward of the department of correction under this chapter (or IC 31-6-4-15.9 before its repeal);

the department of correction may not at any time during the child's confinement impose a departmental classification system on the child that would cause the child to be confined in a correctional facility for longer than the period of confinement under a departmental classification system that existed on the date that the child committed the delinquent act.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-19-12**

Sec. 12. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) a sex crime listed in IC 35-38-1-7.1(e) and the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) as described in IC 35-38-1-7.1(b)(8); or

(2) an offense related to controlled substances listed in IC 35-38-1-7.1(f) if the offense involved:

(A) the delivery by a person to another person; or

(B) the use by a person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the child to undergo a screening test for the human immunodeficiency virus (HIV).

(c) If the screening test indicates the presence of antibodies to HIV, the court shall order the child to undergo a confirmatory test.

(d) If the confirmatory test confirms the presence of the HIV antibodies, the court shall report the results to the state department of health.

(e) The state department of health shall do the following:

(1) Notify victims of the crimes listed in IC 35-38-1-7.1(e) and IC 35-38-1-7.1(f) of the HIV screening results.

(2) Provide counseling regarding HIV and a referral for appropriate health care to the victims.

*As added by P.L.1-1997, SEC.20.*

### **IC 31-37-19-13**

Sec. 13. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a counterfeit substance (as defined in IC 35-48-1-10);

(2) possessing:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a prescription drug (as defined in IC 35-48-1-25);

for which the child does not have a prescription; or

(3) conspiring to commit an act described in subdivision (1) or

(2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's operator's license or permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit.

*As added by P.L.1-1997, SEC.20.*

### **IC 31-37-19-14**

Sec. 14. (a) This section applies if:

(1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal); or

(2) the delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal) was committed:

(A) on school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's operator's license for a period specified by the



court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-15**

Sec. 15. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

- (1) dealing in:
  - (A) a controlled substance (as defined in IC 35-48-1-9); or
  - (B) a counterfeit substance (as defined in IC 35-48-1-10);
- (2) possessing:
  - (A) a controlled substance (as defined in IC 35-48-1-9); or
  - (B) a prescription drug (as defined in IC 35-48-1-25);for which the child does not have a prescription; or
- (3) conspiring to commit an act described in subdivision (1) or (2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles not to issue the child a learner's permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-16**

Sec. 16. (a) This section applies if:

- (1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal); or
- (2) the delinquent act described in section 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal) was committed:
  - (A) on school property;
  - (B) within one thousand (1,000) feet of school property; or
  - (C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles not to issue the child a learner's permit for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-17**

Sec. 17. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be criminal mischief or institutional criminal mischief under IC 35-43-1-2 that involves the use of graffiti.

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

- (1) suspend the child's operator's license; or
- (2) invalidate the child's learner's permit;

for one (1) year beginning the date of the order.

*As added by P.L.1-1997, SEC.20.*

### **IC 31-37-19-17.3**

Sec. 17.3. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense under IC 9-30-5.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, recommend the suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(c) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(d) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (c), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

- (1) Remove any record of the suspension from the bureau's record keeping system.
- (2) Reinstate the privileges without cost to the person.

(e) If:

- (1) a juvenile court recommends suspension of a child's driving privileges under this section; and
- (2) the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult;

the juvenile court may stay the execution of the suspension of the child's driving privileges and grant the child probationary driving privileges for one hundred eighty (180) days.

(f) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child probationary driving privileges for one hundred eighty (180) days in conformity with the procedures in IC 9-30-5-12. The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

(g) A child whose driving privileges are suspended under this section is entitled to credit for any days during which the license was suspended under IC 31-37-5-7, if the child did not refuse to submit to

a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult.

(h) A period of suspension of driving privileges imposed under this section must be consecutive to any period of suspension imposed under IC 31-37-5-7. However, if the juvenile court finds in the sentencing order that it is in the best interest of society, the juvenile court may terminate all or any part of the remaining suspension under IC 31-37-5-7.

(i) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section.

*As added by P.L.32-2000, SEC.22.*

#### **IC 31-37-19-17.2**

Sec. 17.2. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be a theft or criminal conversion described in IC 35-43-4-8 (fuel theft).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

- (1) suspend the child's operator's license; or
- (2) invalidate the child's learner's permit;

under IC 9-25-6-21 in the same manner as the bureau of motor vehicles is required to suspend the driving privileges of a person convicted of fuel theft.

*As added by P.L.117-2001, SEC.5.*

#### **IC 31-37-19-18**

Sec. 18. If the court orders invalidation or denial of issuance of a driver's license or permit as described in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, or 17.3 of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of IC 31-6-4-15.9):

- (1) the bureau of motor vehicles shall comply with the order for invalidation or denial of issuance; and
- (2) the child shall surrender to the court all driver's licenses or permits of the child and the court shall immediately forward the licenses or permits to the bureau of motor vehicles.

If a juvenile court recommends suspension of driving privileges under section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), and IC 9-30-6-12(d) apply to the child's driving privileges.

*As added by P.L.1-1997, SEC.20. Amended by P.L.32-2000, SEC.23.*

#### **IC 31-37-19-19**

Sec. 19. The juvenile court may:

- (1) enter an order for the maximum period of invalidation or denial of issuance under sections 13, 14, 15, and 16 of this chapter; and
- (2) following a determination that the child has committed no further delinquent acts, enter an order to allow the child to receive

a license or permit before the period of invalidation or denial is completed.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-20**

Sec. 20. (a) This section applies if the juvenile court has entered an order for suspension or invalidation of an operator's license or a learner's permit under section 17 of this chapter (or IC 31-6-4-15.9(f) before its repeal).

(b) Following a determination by the juvenile court that the child has removed or painted over the graffiti or has made other suitable restitution, the court may:

- (1) rescind the order for suspension or invalidation; and
- (2) allow the child to receive a license or permit before the period of suspension or invalidation ends.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-21**

Sec. 21. As part of a dispositional decree, a child may only be confined in a juvenile detention facility for more than thirty (30) days if the facility meets the following criteria:

- (1) The facility provides to delinquent children a program that includes recreation, education, counseling, and health care.
- (2) The program provides services and treatment to:
  - (A) meet the individual needs of the delinquent child;
  - (B) involve the delinquent child's family if possible; and
  - (C) provide transitional services for delinquent children returning to community placement.
- (3) The program must be administered and operated by staff who are qualified through education and training to provide rehabilitation and treatment.
- (4) The juvenile detention facility must meet the state standards and licensing requirements established by 210 IAC 6.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-22**

Sec. 22. If a court issues a dispositional decree under section 6(b)(2)(G) of this chapter:

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the petitioner shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-23**

Sec. 23. A court may not place a child who is a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) in:

- (1) a community based correctional facility for children;
- (2) a juvenile detention facility;
- (3) a secure facility;
- (4) a secure private facility; or

(5) a shelter care facility;  
that is located outside the child's county of residence unless placement of the child in a comparable facility with adequate services located in the child's county of residence is unavailable or the child's county of residence does not have an appropriate comparable facility with adequate services.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-24**

Sec. 24. If the juvenile court determines that a parent, guardian, or custodian should participate in a program of care, treatment, or rehabilitation for the child, the court may order the parent, guardian, or custodian to:

- (1) obtain assistance in fulfilling the obligations as a parent, guardian, or custodian;
- (2) provide specified care, treatment, or supervision for the child;
- (3) work with a person providing care, treatment, or rehabilitation for the child; and
- (4) participate in a program operated by or through the department of correction.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-25**

Sec. 25. (a) The clerk of the court that enters a dispositional decree under this article that requires a person to refrain from direct or indirect contact with a child shall provide a copy of the decree to the following:

- (1) Each party.
- (2) The sheriff.
- (3) The law enforcement agency of the municipality, if any, in which the child resides.

(b) Each sheriff and law enforcement agency that receives a decree under subsection (a) shall maintain a copy of the decree in the depository established by IC 5-2-9. The decree may be removed from the depository after the later of the following occurs:

- (1) The lapse of one (1) year after the decree is entered.
- (2) The date specified in the decree if any.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-19-26**

Sec. 26. (a) This section applies if a juvenile court:

- (1) places a child;
- (2) changes the placement of a child; or
- (3) reviews the implementation of a decree under IC 31-37-20 (or IC 31-6-4-19 before its repeal) of a child placed;

in a state licensed private or public health care facility, child care facility, or foster family home.

(b) The juvenile court shall do the following:

- (1) Make findings of fact concerning the legal settlement of the child.
- (2) Apply IC 20-8.1-6.1-1(a)(1) through IC 20-8.1-6.1-1(a)(7) to determine where the child has legal settlement.

- (3) Include the findings of fact required by this section in the:
  - (A) dispositional order;
  - (B) modification order; or
  - (C) other decree;

making or changing the placement of the child.

(c) The juvenile court shall comply with the reporting requirements under IC 20-8.1-6.1-5.5 concerning the legal settlement of the child.

*As added by P.L.1-1997, SEC.20.*

### **IC 31-37-19-27**

Sec. 27. (a) The juvenile court may emancipate a child under section 1(5) or 5(b)(5) of this chapter if the court finds that the child:

- (1) wishes to be free from parental control and protection and no longer needs that control and protection;
- (2) has sufficient money for the child's own support;
- (3) understands the consequences of being free from parental control and protection; and
- (4) has an acceptable plan for independent living.

(b) Whenever the juvenile court partially or completely emancipates the child, the court shall specify the terms of the emancipation, which may include the following:

- (1) Suspension of the parent's or guardian's duty to support the child. In this case the judgment of emancipation supersedes the support order of a court.
- (2) Suspension of:
  - (A) the parent's or guardian's right to the control or custody of the child; and
  - (B) the parent's right to the child's earnings.
- (3) Empowering the child to consent to marriage.
- (4) Empowering the child to consent to military enlistment.
- (5) Empowering the child to consent to:
  - (A) medical;
  - (B) psychological;
  - (C) psychiatric;
  - (D) educational; or
  - (E) social;

services.

- (6) Empowering the child to contract.
- (7) Empowering the child to own property.

(c) An emancipated child remains subject to:

- (1) IC 20-8.1-3 concerning compulsory school attendance; and
- (2) the continuing jurisdiction of the court.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-20**

### **Chapter 20. Review of Dispositional Decrees; Formal Review Hearings**

#### **IC 31-37-20-1**

Sec. 1. At any time after the date of an original dispositional decree, the juvenile court may order the county office of family and children or the probation department to file a report on the progress made in implementing the decree. If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the court shall proceed under IC 31-37-22.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-20-2**

Sec. 2. (a) The court shall hold a formal hearing:

(1) every twelve (12) months after:

(A) the date of the original dispositional decree; or

(B) a delinquent child was removed from the child's parent, guardian, or custodian;

whichever occurs first; or

(2) more often if ordered by the juvenile court.

(b) The court shall determine whether the dispositional decree should be modified and whether the present placement is in the best interest of the child. The court, in making the court's determination, may consider the following:

(1) The services that have been provided or offered to a parent, guardian, or custodian to facilitate a reunion.

(2) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.

(3) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.

(4) The extent to which the parent, guardian, or custodian has cooperated with the county office of family and children or probation department.

(5) The child's recovery from any injuries suffered before removal.

(6) Whether additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of the services.

(7) The extent to which the child has been rehabilitated.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-20-3**

Sec. 3. (a) The court shall hold a formal hearing on the question of continued jurisdiction:

(1) every eighteen (18) months after:

(A) the date of the original dispositional decree; or

(B) a delinquent child was removed from the child's parent, guardian, or custodian;

whichever comes first; or

(2) more often if ordered by the juvenile court.

(b) The state must show that jurisdiction should continue by proving that the objectives of the dispositional decree have not been accomplished and that a continuation of the decree with or without modifications has a probability of success.

(c) If the state does not sustain the state's burden for continued jurisdiction, the court may:

- (1) authorize a petition for termination of the parent-child relationship; or
- (2) discharge the child or the child's parent, guardian, or custodian.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-20-4**

Sec. 4. Before a hearing under section 2 or 3 of this chapter, the probation department or the county office of family and children shall prepare a report in accordance with IC 31-37-21 on the progress made in implementing the dispositional decree.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-20-5**

Sec. 5. (a) The juvenile court may assign cases to a foster care review board established by the court to assist the court in reviewing foster care placements. The board shall:

- (1) review a foster care placement at the juvenile court's request; and
- (2) file a report, including findings and recommendations, with the court.

(b) If the juvenile court believes the contents of a confidential report or document would benefit the review board, the court may provide the review board with an order authorizing disclosure of the document to the review board. The review board may not disclose the contents of a confidential report or document to a person who is not allowed disclosure by the court or by statute.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-20-6**

Sec. 6. (a) This section applies if a juvenile court reviews the implementation of a decree under this chapter (or IC 31-6-4-19 before its repeal) or any other law concerning a child placed in a state licensed private or public health care facility, child care facility, or foster family home.

(b) The juvenile court shall review the court's findings under IC 31-37-19-26 (or IC 31-6-4-18.5(b) before its repeal) and determine whether circumstances have changed the legal settlement of the child.

(c) If the child's legal settlement has changed, the court shall issue an order that modifies the court's findings of fact concerning the legal settlement of the child.

(d) If the court has not previously made findings of fact concerning legal settlement as provided in IC 31-37-19-26 the court shall make the appropriate findings in the court's order entered under this chapter.

(e) The juvenile court shall comply with the reporting requirements



under IC 20-8.1-6.1-5.5 concerning the legal settlement of the child.  
*As added by P.L.1-1997, SEC.20.*

**IC 31-37-20-7**

Sec. 7. When the juvenile court finds that the objectives of the dispositional decree have been met, the court shall discharge the child and the child's parent, guardian, or custodian.  
*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-21**

### **Chapter 21. Reports Required for Reviewing Dispositional Decrees**

#### **IC 31-37-21-1**

Sec. 1. (a) Before a hearing under IC 31-37-20-2 or IC 31-37-20-3, the probation department or the county office of family and children shall prepare a report on the progress made in implementing the dispositional decree, including the progress made in rehabilitating the child, preventing placement out-of-home, or reuniting the family.

(b) Before preparing the report required by subsection (a), the probation department or the county office of family and children shall consult a foster parent of the child about the child's progress made while in the foster parent's care.

(c) If modification of the dispositional decree is recommended, the probation department or the county office of family and children shall prepare a modification report containing the information required by IC 31-37-17 and request a formal court hearing.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-21-2**

Sec. 2. (a) Except as provided by subsection (b), a report prepared by the state:

(1) for the juvenile court's review of the court's dispositional decree; or

(2) for use at a periodic case review or hearing under IC 31-37-20-2 or IC 31-37-20-3;

shall be made available to the child and the child's parent, guardian, guardian ad litem, custodian, or court appointed special advocate within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, guardian, or custodian, the court shall provide a copy of the report to the following:

(1) Each attorney or a guardian ad litem representing the child.

(2) Each attorney representing the child's parent, guardian, or custodian.

(3) A court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-21-3**

Sec. 3. (a) Any report may be admitted into evidence to the extent that the report contains evidence of probative value even if the evidence would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

(1) child;

(2) child's parent, guardian, or custodian; and

(3) person representing the interests of the state;

shall be given a fair opportunity to controvert any part of the report admitted into evidence.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-22**

### **Chapter 22. Modification of Dispositional Decrees**

#### **IC 31-37-22-1**

Sec. 1. While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

- (1) upon the juvenile court's own motion;
- (2) upon the motion of:
  - (A) the child;
  - (B) the child's parent, guardian, custodian, or guardian ad litem;
  - (C) the probation officer;
  - (D) the caseworker;
  - (E) the prosecuting attorney; or
  - (F) the attorney for the county office of family and children; or
- (3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-22-2**

Sec. 2. If a child has been in the custody of the department of correction under the juvenile court's original dispositional decree, the juvenile court may not award guardianship of the child back to the department unless the juvenile court holds a hearing and finds that the child violated a modified dispositional decree.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-22-3**

Sec. 3. (a) If the petitioner requests an emergency change in the child's residence, the court may issue a temporary order. However, the court shall then give notice to the persons affected and shall hold a hearing on the question if requested.

(b) If the petition requests any other modification, the court shall give notice to the persons affected and may hold a hearing on the question.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-22-4**

Sec. 4. If a hearing is required, IC 31-37-17 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, or custodian is requesting the modification.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-22-5**

Sec. 5. If:

- (1) a child is placed in a shelter care facility or other place of residence as part of a court order with respect to a delinquent act under IC 31-37-2-2;
- (2) the child received a written warning of the consequences of a

violation of the placement at the hearing during which the placement was ordered;

(3) the issuance of the warning was reflected in the records of the hearing;

(4) the child is not held in a juvenile detention facility for more than twenty-four (24) hours, excluding Saturdays, Sundays, and legal holidays, before the hearing at which it is determined that the child violated that part of the order concerning the child's placement in a shelter care facility or other place of residence; and

(5) the child's mental and physical condition may be endangered if the child is not placed in a secure facility;

the juvenile court may modify its disposition order with respect to the delinquent act and place the child in a public or private facility for children.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-22-6**

Sec. 6. If:

(1) a child fails to comply with IC 20-8.1-3 concerning compulsory school attendance as part of a court order with respect to a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal);

(2) the child received a written warning of the consequences of a violation of the court order;

(3) the issuance of the warning was reflected in the records of the hearing;

(4) the child is not held in a juvenile detention facility for more than twenty-four (24) hours, excluding Saturdays, Sundays, and legal holidays, before the hearing at which it is determined that the child violated that part of the order concerning the child's school attendance; and

(5) the child's mental and physical condition may be endangered if the child is not placed in a secure facility;

the juvenile court may modify its disposition order with respect to the delinquent act and place the child in a public or private facility for children under section 7 of this chapter.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-22-7**

Sec. 7. (a) If the juvenile court modifies its disposition order under section 5 or 6 of this chapter, the court may order the child placed under one (1) of the following alternatives:

(1) In a nonlocal secure private facility licensed under the laws of any state. Placement under this alternative includes authorization to control and discipline the child.

(2) In a local secure private facility licensed under Indiana law. Placement under this alternative includes authorization to control and discipline the child.

(3) In a local secure public facility.

(4) In a local alternative facility approved by the juvenile court.

(5) As a ward of the department of correction for housing in any correctional facility for children. Wardship under this alternative does not include the right to consent to the child's adoption. However, without a determination of unavailable housing by the department of correction, a child found to be subject to section 5 or 6 of this chapter and placed in a secure facility of the department of correction may not be housed with any child found to be delinquent under any other provision of this article.

(b) If the juvenile court places a child under subsection (a)(3) or (a)(4):

(1) the length of the placement may not exceed thirty (30) days; and

(2) the juvenile court shall order specific treatment of the child designated to eliminate the child's disobedience of the court's order of placement.

(c) The juvenile court shall retain jurisdiction over any placement under this section (or IC 31-6-7-16(d) before its repeal) and shall review each placement every three (3) months to determine whether placement in a secure facility remains appropriate.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-22-8**

Sec. 8. A local alternative facility seeking the approval of the juvenile court shall provide the court with a description of the following:

(1) The facility's location and facilities.

(2) The facility's staff, including personnel qualifications.

(3) The maximum number of children who may be housed in the facility, including a ratio of staff to children when the facility is at maximum capacity.

(4) Funding sources.

(5) Programs that will be provided for children who are housed in the facility.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-23**

### **Chapter 23. Interstate Compact on Juveniles**

#### **IC 31-37-23-1**

Sec. 1. The following compact, by and between the state of Indiana and any other state which has or shall hereafter ratify or legally join in the same, is ratified and approved.

The contracting states solemnly agree:

#### **ARTICLE 1 Findings and Purposes**

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and to the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one (1) state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one (1) state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two (2) or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

#### **ARTICLE 2 Existing Rights and Remedies**

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

#### **ARTICLE 3 Definitions**

That, for the purpose of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

#### **ARTICLE 4 Return of Runaways**

(a) That the parent, guardian, person or agency entitled to legal

custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two (2) certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One (1) copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the



requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety (90) days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of this state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

#### ARTICLE 5 Return of Escapees and Absconders

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two (2) certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the

institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One (1) copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety (90) days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this article shall be responsible for the payment of the transportation costs of such return.

#### ARTICLE 6 Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article 4(a) or of Article 5(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

#### ARTICLE 7 Cooperative Supervision of Probationers and Parolees

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

#### ARTICLE 8 Responsibility for Costs

(a) That the provisions of Articles 4(b), 5(b), and 7(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles 4(b), 5(b) or 7(d) of this compact.

#### ARTICLE 9 Detention Practices

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

#### ARTICLE 10 Supplementary Agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such

agreements will improve the facilities or programs available for such care, treatment and rehabilitation located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one (1) of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

#### ARTICLE 11 Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

#### ARTICLE 12 Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

#### ARTICLE 13 Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form or execution to be in accordance with the laws of the executing state.

#### ARTICLE 14 Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six (6) months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article 7 hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article 10 hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six (6) months' renunciation notice of the present article.

#### ARTICLE 15 Severability

That the provisions of this compact shall be severable and if any

phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

#### AMENDMENT 1~~t~~Runaways

That this article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

For the purposes of this article, "child," as used herein, means any minor within the jurisdictional age limits of any court in the home state.

When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five (5) days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

#### AMENDMENT 2~~t~~Rendition

(a) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of Articles 5 and 6 of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article 5 of the compact shall be forwarded by the judge of the court in which the petition has been filed.

#### AMENDMENT 3~~t~~Out-of-State Confinement

(a) Whenever the duly constituted judicial or administrative authorities in a sending state shall determine that confinement of a probationer or reconfinement of a parolee is necessary or desirable, said officials may direct that the confinement or reconfinement be in an appropriate institution for delinquent juveniles within the territory

of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) Escapees and absconders who would otherwise be returned pursuant to Article 5 of the compact may be confined or reconfined in the receiving state pursuant to this amendment. In any such case the information and allegations required to be made and furnished in a requisition pursuant to such article shall be made and furnished, but in place of the demand pursuant to Article 5, the sending state shall request confinement or reconfinement in the receiving state. Whenever applicable, detention orders as provided in Article 5 may be employed pursuant to this paragraph preliminary to disposition of the escapee or absconder.

(c) The confinement or reconfinement of a parolee, probationer, escapee, or absconder pursuant to this amendment shall require the concurrence of the appropriate judicial or administrative authorities of the receiving state.

(d) As used in this amendment: (1) "sending state" means sending state as that term is used in Article 7 of the compact or the state from which a delinquent juvenile has escaped or absconded within the meaning of Article 5 of the compact; (2) "receiving state" means any state, other than the sending state, in which a parolee, probationer, escapee, or absconder may be found, provided that said state is a party to this amendment.

(e) Every state which adopts this amendment shall designate at least one (1) of its institutions for delinquent juveniles as a "Compact Institution" and shall confine persons therein as provided in paragraph (a) hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's delinquents as may be confined in the institution.

(f) Persons confined in "Compact Institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "Compact Institution" for transfer to an appropriate institution within the sending state, for return to probation or parole, for discharge, or for any purpose permitted by the laws of the sending state.

(g) All persons who may be confined in a "Compact Institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of confinement or reconfinement in a receiving state shall not deprive any person so confined or reconfined of any rights which said person would have had if confined or reconfined in an appropriate institution of the sending state; nor shall any agreement to submit to confinement or reconfinement pursuant to the terms of this amendment be construed as a waiver of any rights which the delinquent would have had if he had been confined or reconfined in any appropriate institution of the sending state except that the hearing or hearings, if any, to which a parolee, probationer, escapee, or absconder may be entitled (prior to confinement or reconfinement) by the laws of the sending state may be

had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(h) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two (2) or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(i) This amendment shall take initial effect when entered into by any two (2) or more states party to the compact and shall be effective as to those states which have specifically enacted this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have enacted this amendment.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-23-2**

Sec. 2. As used in this chapter, "compact" refers to the interstate compact on juveniles.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-23-3**

Sec. 3. As used in this chapter, "court" refers to the juvenile court.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-23-4**

Sec. 4. As used in this chapter, "delinquent child" has the meaning prescribed by IC 31-37-1-1 or IC 31-37-2-1.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-23-5**

Sec. 5. As used in this chapter, "dependent child" or "neglected child" means a child in need of services under IC 31-34-1.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-23-6**

Sec. 6. As used in this chapter, "executive authority" means the compact administrator.

*As added by P.L.1-1997, SEC.20.*

#### **IC 31-37-23-7**

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Sec. 7. (a) The governor shall appoint a compact administrator for parolees. The administrator is an employee of the department of correction.

(b) The judicial conference of Indiana shall appoint a compact administrator for probationers under the compact.

(c) The administrators, in cooperation with the compact



administrators of other states, shall implement the compact.  
*As added by P.L.1-1997, SEC.20.*

**IC 31-37-23-8**

Sec. 8. Each compact administrator may accept children from other states under the compact and shall arrange for the supervision of the children. The child's supervisor shall make periodic reports to the compact administrator regarding the conduct and progress of each child.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-23-9**

Sec. 9. The judicial conference of Indiana shall adopt rules under IC 4-22-2 prescribing duties and procedures for administering probationers participating in the compact.

*As added by P.L.1-1997, SEC.20.*

**IC 31-37-23-10**

Sec. 10. (a) The compact administrator may enter into supplementary agreements with other states under the compact.

(b) An agreement that involves a state agency or institution must be approved by the agency or institution.

*As added by P.L.1-1997, SEC.20.*

## **IC 31-37-24**

### **Chapter 24. Plan Coordination**

#### **IC 31-37-24-1**

Sec. 1. As used in this chapter, "plan" refers to a community services plan for early intervention services to achieve the purposes described in section 3 of this chapter.

*As added by P.L.55-1997, SEC.35.*

#### **IC 31-37-24-2**

Sec. 2. As used in this chapter, "team" means:

- (1) an early intervention plan team appointed as provided in section 4 of this chapter; or
- (2) an existing organization described in section 5 of this chapter.

*As added by P.L.55-1997, SEC.35.*

#### **IC 31-37-24-3**

Sec. 3. Each county shall develop a community services plan for early intervention that is tailored to provide services targeted to the individual needs of children who:

- (1) have been either:
  - (A) adjudicated as, or alleged in a proceeding initiated under this article to be, delinquent children; or
  - (B) identified by the county office, based on information received from:
    - (i) a school;
    - (ii) a social service agency;
    - (iii) a court;
    - (iv) a probation department;
    - (v) the child's parent or guardian; or
    - (vi) an interested person in the community having knowledge of the child's environment and family circumstances;and, after an informal investigation, as substantially at risk of becoming delinquent children; and
- (2) have been referred to the county office by, or with the consent of, the child's parent, guardian, or custodian, for services to be provided through the plan based on an individual case plan for the child.

*As added by P.L.55-1997, SEC.35.*

#### **IC 31-37-24-4**

Sec. 4. (a) Before March 1, 1998, each county shall establish a team to develop a plan as described in this chapter.

(b) The team is composed of the following members, each of whom serves at the pleasure of the member's appointing authority:

- (1) Two (2) members appointed by the judge or judges of the juvenile court, one (1) of whom is a representative of the probation department.
- (2) Two (2) members appointed by the director of the county office as follows:

- (A) One (1) is a member of the child welfare staff of the county office.
- (B) One (1) is either:
  - (i) an interested resident of the county; or
  - (ii) a representative of a social service agency; who knows of child welfare needs and services available to residents of the county.
- (3) One (1) member appointed by the superintendent of the largest school corporation in the county.
- (4) If:
  - (A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or
  - (B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.
- (5) One (1) member appointed by the county fiscal body.
- (6) One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the county fiscal body.
- (7) One (1) or more additional members appointed by the chairperson of the team, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

*As added by P.L.55-1997, SEC.35.*

#### **IC 31-37-24-5**

Sec. 5. If a county has in existence a committee, council, or other organized group that includes representatives of all of the appointing authorities described in section 4 of this chapter, the county fiscal body may elect to designate that existing organization as the county's team for purposes of this chapter.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.110.*

#### **IC 31-37-24-6**

Sec. 6. (a) The county director shall convene an organizational meeting of the members of the team appointed under section 4 of this chapter.

(b) The county director shall serve as chairperson of the team. The team shall select one (1) of its members as vice chairperson.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.111.*

#### **IC 31-37-24-7**

Sec. 7. Before January 1 of each year, the team shall prepare and submit to the judges having juvenile jurisdiction the team's plan for

review and comment. The judge shall submit any comments to the chairperson not more than fifteen (15) calendar days after receiving the plan. The team shall before January 25 of each year transmit a copy of the initial plan, including any comments from the judges, to:

(1) the director; and

(2) the state superintendent of public instruction.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.112.*

#### **IC 31-37-24-8**

Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

(1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).

(2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).

(3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).

(5) Community corrections programs under IC 11-12.

(6) Special education programs under IC 20-1-6-19.

(7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the division of family and children, county offices, prosecutors, or juvenile courts, including programs funded under IC 12-19-7 and IC 31-40.

(8) Probation user's fees under IC 31-40-2-1.

(9) The child advocacy fund under IC 12-17-17.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.113.*

#### **IC 31-37-24-9**

Sec. 9. The objectives of a plan developed under this chapter include the following:

(1) Promoting the welfare of children and self sufficiency of families with children at risk of abuse or neglect, dependency, or delinquency, as defined or described in this chapter.

(2) Preventing or reducing the number of cases of child abuse, delinquency, or neglect that may require juvenile court intervention.

(3) Coordinating available resources to promote efficiency and avoid duplication of programs and services.

(4) Reducing or minimizing the cost of providing services to children and families with children who are or may become delinquent children.

(5) Reducing or eliminating to the extent possible the need to remove children from their parents, guardians, or custodians for foster home care or institutional placement.

*As added by P.L.55-1997, SEC.35.*

#### **IC 31-37-24-10**

Sec. 10. The team may adopt as its plan an existing plan for provision of family preservation services, as defined in IC 12-7-2-82.3, that:

- (1) is in effect in the county;
- (2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out of home placement under IC 31-34 or IC 31-37 as a result of:
  - (A) dependency, abuse, or neglect;
  - (B) emotional disturbance; or
  - (C) delinquency adjudication; and
- (3) addresses all of the objectives described in this section.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.114.*

#### **IC 31-37-24-11**

Sec. 11. The director or the state superintendent of public instruction may, not later than thirty (30) days after receiving the plan, transmit to the team and the county fiscal body any comments, including recommendations for modification of the plan, that the director or the state superintendent of public instruction considers appropriate.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.115.*

#### **IC 31-37-24-12**

Sec. 12. Not later than sixty (60) days after receiving the plan, the county fiscal body shall do one (1) of the following:

- (1) Approve the plan as submitted by the team.
- (2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.
- (3) Return the plan to the team with directions concerning:
  - (A) subjects for further study and reconsideration; and
  - (B) resubmission of a revised plan.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.116.*

#### **IC 31-37-24-13**

Sec. 13. (a) Upon receiving the initial plan and each revised or updated plan, the county fiscal body shall consider the plan in developing the family and children's fund budget.

(b) The county fiscal body may appropriate from the family and children's fund any amounts necessary to provide funding to implement the plan.

*As added by P.L.55-1997, SEC.35.*

#### **IC 31-37-24-14**

Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

- (1) Develop, review, or revise a strategy that identifies:
  - (A) the manner in which prevention and early intervention services will be provided or improved;
  - (B) how local collaboration will improve children's services; and
  - (C) how different funds can be used to serve children and families more effectively.
- (2) Reorganize as needed and select its vice chairperson for the ensuing year.
- (3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.
- (4) Prepare and submit to the county fiscal body a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.

(b) The chairperson or vice chairperson of the team or the county fiscal body may convene any additional meetings of the team that are, in the chairperson's or vice chairperson's opinion, necessary or appropriate.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.117.*

#### **IC 31-37-24-15**

Sec. 15. The team or the county fiscal body shall transmit copies of the initial plan, each annual report, and each revised plan to the following:

- (1) The director.
- (2) The state superintendent of public instruction.
- (3) The county office.
- (4) The juvenile court.
- (5) The superintendent of each public school corporation in the county.
- (6) The local step ahead council.
- (7) Any public or private agency that:
  - (A) provides services to families and children in the county that requests information about the plan; or
  - (B) the team has identified as a provider of services relevant to the plan.

*As added by P.L.55-1997, SEC.35.*

#### **IC 31-37-24-16**

Sec. 16. The team or the county fiscal body shall publicize to residents of the county the existence and availability of the plan.

*As added by P.L.55-1997, SEC.35.*

#### **IC 31-37-24-17**

Sec. 17. Two (2) or more contiguous counties may, by agreement of the counties' county directors, establish a joint team and adopt a single multicounty plan for the purposes described in this chapter.

*As added by P.L.55-1997, SEC.35. Amended by P.L.273-1999, SEC.118.*

**IC 31-37-24-18**

Sec. 18. The:

- (1) juvenile court, in implementing a program of informal adjustment for a child under IC 31-34-8; and
- (2) local child protection service, in proposing a voluntary services referral agreement for the benefit of a child under IC 31-33-13;

shall consider and use to the extent feasible any available services described in an early intervention plan approved under this chapter.

*As added by P.L.55-1997, SEC.35.*

**IC 31-37-24-19**

*(Repealed by P.L.273-1999, SEC.124.)*